

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of Public Health

Added Controlled Dangerous Substances (LAC 46:LIII.2704)

The Department of Health and Hospitals, Office of Public Health (DHH/OPH), pursuant to the rulemaking authority granted to the Secretary of DHH by R.S. 40:962(C), hereby adopts the following rule for the protection of public health. This rule is being promulgated in accordance with the Administrative Procedure Act (R.S. 49:950, *et seq.*).

The Secretary, through DHH/OPH, found it necessary to promulgate an initial Emergency Rule (of the same subject matter contained herein) on January 6, 2011. The initial Emergency Rule is scheduled to terminate 120 days from January 6, 2011 (*i.e.*, on May 5, 2011). A Notice of Intent was published in the March 20, 2011 issue of the Louisiana Register with the goal of adopting a permanent rule soon, but no earlier than June 20, 2011. A public hearing for the proposed permanent rule was held on April 28, 2011.

The Emergency Rule promulgated herein shall be effective May 5, 2011 or immediately upon expiration of the above-referenced Emergency Rule promulgated on January 6, 2011, whichever occurs first.

The substance of the Emergency Rule promulgated herein remains exactly the same as the initial Emergency Rule dated January 6, 2011. However, realizing the important role that pharmacists licensed under the Louisiana Board of Pharmacy provide with respect to the regulation of certain other controlled dangerous substances, the Secretary has chosen to place the Emergency Rule promulgated herein into Chapter 27 (Controlled Dangerous Substances) of LAC 46:LIII (Professional and Occupational Standards: Pharmacists).

Based on the criteria and guidance set forth in R.S. 40:962(C) and 40:963, the Secretary, under this rulemaking, has determined that the below listed substances have a high potential for abuse and should be listed as controlled dangerous substances. In reaching the decision to designate the below listed substances herein as controlled dangerous substances to Schedule I, the Secretary has considered the criteria provided under R.S. 40:963 and the specific factors listed under R.S. 40:962(C). The Secretary has determined that Schedule I is the most appropriate due to his findings that the substances added herein have a high potential for abuse, the substances are not currently accepted as medical use for treatment in the United States, and there is a lack of accepted safety for use of the substances under medical supervision.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 27. Controlled Dangerous Substances

Subchapter A. General Provisions

§2704. Added Controlled Dangerous Substances

A. The following drugs or substances are added to Schedule I of the Louisiana Uniform Controlled Dangerous Substances Law, R.S. 49:961, *et seq.*

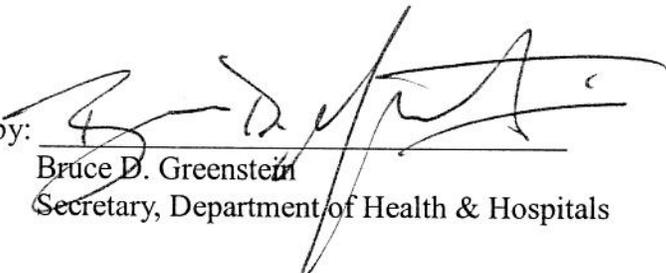
1. 3,4-Methylenedioxymethcathinone (Methylone)
2. 3,4-Methylenedioxypropylvalerone (MDPV)
3. 4-Methylmethcathinone (Mephedrone)

4. 4-Methoxymethcathinone
5. 3-Fluoromethcathinone
6. 4-Fluoromethcathinone

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:962 and R.S. 40:963.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 37:

Signed on the 2nd day of May, 2011 by:


Bruce D. Greenstein

Secretary, Department of Health & Hospitals